

**REMARKS**

By this Amendment, Applicants amend the specification to correct certain typographical and other minor errors.

Applicants amend claim 1. Additionally, Applicants amend claims 12, 18, 21, and 30 to correct certain minor errors in those claims. Applicants also amend claims 22 and 24 to correct certain grammatical errors. Applicants also cancel claims 32-38, and add new claims 39-45.

Reexamination and reconsideration are respectfully requested in view of the following remarks.

**35 U.S.C. § 102**

The Office Action rejects claims 1-8, 10-24, and 29-31 under 35 U.S.C. § 102(b) over Lee (U.S. Patent No. 6,169,017). Applicants respectfully traverse the rejections of Claims 1-8, 10-24, and 29-31 for at least the following reasons.

**Claim 1**

Among other things, the method of forming a gate structure of a semiconductor device of amended claim 1 includes a feature of “removing a first portion of the second insulating layer, while leaving a second portion of the second insulating layer.” For example, Applicants state in the subject application at paragraph [0130] that:

“The remaining second insulating layer 16c ensures that ions implanted during an ion implantation process for forming source and drain electrodes remain as far away from the gate pattern 14 as possible. That is, the remaining second insulating layer 16c prevents the dopants from forming the source and drain electrodes from diffusing to a portion of the substrate 10 under the gate pattern 14.”

Applicants respectfully submit that Lee does not disclose such a feature.

The Office Action states that Lee teaches “removing the second insulating layer (FIG. 1G)” (See, Office Action at page 2, paragraph 1, line 12). However, Lee does not disclose leaving a second portion of the second insulating layer. Since Lee does not disclose leaving a second portion of the second insulating layer, Lee cannot provide the benefits described above.

Accordingly, for at least these reasons, Applicants respectfully submit that amended claim 1 is patentable over Lee.

Claims 2-8 and 10-14

Claims 2-8 and 10-14 depend from claim 1, and are also deemed patentable over Lee for at least the reasons set forth above regarding amended claim 1.

Claim 15

Among other things, the method of fabricating a semiconductor device of claim 15 includes a feature of “removing the second insulating layer except at portions adjacent both sides of a lower portion of the gate pattern.”

Applicants respectfully submit that Lee does not disclose such a feature. In particular, among other things, Lee does not disclose removing the second insulating layer **except at portions**, as recited in claim 15. Also, since Lee does not disclose the above feature, Lee cannot provide the benefit that leaving portions of the second insulating layer provides, as described above regarding claim 1.

Also, among other things, the method of fabricating a semiconductor device of claim 15 includes a feature of “selectively removing portions of the fourth insulating layer.” Applicants respectfully submit that Lee does not disclose such a feature, and the Office Action does not even assert that Lee discloses such a feature.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 15 is patentable over Lee for at least these reasons.

Claims 16-24 and 29-31

Claims 16-24 and 29-31 depend from claim 15, and are deemed patentable over Lee for at least the reasons set forth above regarding claim 15.

**NEW CLAIMS 39-45**

New claims 39-45 depend variously from claims 1 and 15 and are deemed patentable for at least the reasons set forth above with respect to claims 1 and 15, respectively, and for the following additional reasons.

Claim 39

Among other things, in the method of claim 39 the second portion of the second insulating layer is interposed between the spacers and the first insulating layer.

No such feature is suggested by Lee.

Claim 45

Among other things, in the method of claim 45, the portions of the second insulating layer adjacent both sides of the lower portion of the gate pattern extend between the first spacers and the first insulating layer.

No such feature is suggested by Lee.

CONCLUSION


In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-8, 10-24, and 29-31, and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283-0720 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

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Date: 15 September 2005

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